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EXAMINER

GENACK, MATTHEW W

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/937,449

Applicant(s)

BUECKERS, ALBERT

Examiner

Matthew W. Genack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 26 September 2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 26 September 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because references B1 through B5 do not have English language abstracts.. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller *et. al.*, U.S. Patent No. 6,363,256.

Regarding Claim 1, Muller *et. al.* discloses a cordless telephone and a method of managing clocks associated with said cordless telephone, whereby both the base station and the handset each have a clock, said clocks being synchronized with each other, and when power is lost in either the handset or the base station, the other device provides time recovery information to the device that lost power (Abstract). The base station includes a power supply (Column 1 Lines 44-46), as well as a time base and its management processor (Column 2 Lines 50-55). The handset includes a power supply battery (Column 2 Line 65 to Column 3 Line 1), as well as a time base and its management processor (Column 3 Lines 1-5). The handset has the means to request time recovery information from the base station (Column 4 Lines 9-13).

Regarding Claim 5, the base station has the means to request time recovery information from the handset (Column 4 Lines 15-16).

Regarding Claim 9, Muller *et. al.* discloses a cordless telephone and a method of managing clocks associated with said cordless telephone, whereby both the base station and the handset each have a clock, said clocks being synchronized with each other, and when power is lost in either the handset or the base station, the other device provides time recovery information to the device that lost power (Abstract). The base station includes a power supply (Column 1 Lines 44-46), as well as a time base and its management processor (Column 2 Lines 50-55). The handset includes a power supply battery (Column 2 Line 65 to Column 3 Line 1), as well as a time base and its management processor

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(Column 3 Lines 1-5). The base station has the means to request time recovery information from the handset (Column 4 Lines 15-16).

Regarding Claim 10, the base station has the means to request time recovery information from the handset (Column 4 Lines 15-16).

Regarding Claim 11, the base station's clock is synchronized with the clock of the handset after said handset responds to the base station's clock request by transmitting the handset clock information to the base station (Column 4 Lines 15-18).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 6-8, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller *et. al.* in view of Anderson, U.S. Patent No. 5,935,259.

Regarding Claim 2, Muller *et. al.* discloses all of the limitations of Claim 1, upon which Claim 2 depends.

Muller *et. al.* does not expressly disclose the use of a voltage sensor in the handset.

Anderson discloses the use of a voltage sensor to detect power failure in the main batteries of an electronic device and operates in conjunction with the CPU (Column 6 Lines 1-12, 44-46, 55-67).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by incorporating a voltage sensor into the handset for the purpose of monitoring the handset battery or batteries, and implementing an procedure whereby the detection of a power supply interruption by the voltage sensor causes the handset processor to request time recovery information from the base station after power has been restored to the handset.

One of ordinary skill in the art would have been motivated to make this modification because an interruption in power supply is one of the most obvious reasons to request resynchronization of handset and base station clocks.

Regarding Claim 3, Muller *et. al.* discloses all of the limitations of Claim 1, upon which Claim 3 ultimately depends. Furthermore, the handset's clock is synchronized with the clock of the base station after said base station responds to the handset's clock request by transmitting the base station clock information to the handset (Column 4 Lines 49-53).

Muller *et. al.* does not expressly disclose all of the limitations of Claim 2, upon which Claim 3 depends.

Anderson discloses the limitations of Claim 2 that are not expressly disclosed by Muller *et. al.*, as outlined above.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by transmitting clock synchronization information from the base station to the handset after the handset requests said information after a handset power failure.

One of ordinary skill in the art would have been motivated to make this modification because an interruption in power supply is one of the most obvious reasons to request resynchronization of handset and base station clocks.

Regarding Claim 4, Muller *et. al.* discloses all of the limitations of Claim 1, upon which Claim 4 ultimately depends. Muller *et. al.* also discloses the use of processors in both the handset and the base station. It is inherent that these processors execute instructions, or software, for accomplishing the requesting of time recovery information and the transmission, reception, and processing of this information.

Muller *et. al.* does not expressly disclose all of the limitations of Claim 2, upon which Claim 4 depends.

Anderson discloses the limitations of Claim 2 that are not expressly disclosed by Muller *et. al.*, as outlined above.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by explicitly disclosing software to be executed on the processors of both handset and base station for the purpose of accomplishing the requesting of time recovery information and the transmission, reception, and processing of this information.

One of ordinary skill in the art would have been motivated to make this modification because of the necessity of controlling and coordinating these functions after a handset power failure.

Regarding Claim 6, Muller *et. al.* discloses all of the limitations of Claim 5, upon which Claim 6 depends.

Muller *et. al.* does not expressly disclose the use of a voltage sensor in the base station.

Anderson discloses the use of a voltage sensor to detect power failure in the main batteries of an electronic device and operates in conjunction with the CPU (Column 6 Lines 1-12, 44-46, 55-67).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by incorporating a voltage sensor into the base station for the purpose of monitoring the base station power supply, and implementing an procedure whereby the detection of a power supply interruption by the voltage sensor causes the base station processor to request time recovery information from the handset after power has been restored to the base station.

One of ordinary skill in the art would have been motivated to make this modification because an interruption in power supply is one of the most obvious reasons to request resynchronization of handset and base station clocks.

Regarding Claim 7, Muller *et. al.* discloses all of the limitations of Claim 5, upon which Claim 7 ultimately depends. Furthermore, the base station's clock is synchronized with the clock of the handset after said handset responds to the base station's clock request by transmitting the handset clock information to the base station (Column 4 Lines 15-18).

Muller *et. al.* does not expressly disclose all of the limitations of Claim 6, upon which Claim 7 depends.



Anderson discloses the limitations of Claim 6 that are not expressly disclosed by Muller *et. al.*, as outlined above.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by transmitting clock synchronization information from the handset to the base station after the base station requests said information after a base station power failure.

One of ordinary skill in the art would have been motivated to make this modification because an interruption in power supply is one of the most obvious reasons to request resynchronization of handset and base station clocks.

Regarding Claim 8, Muller *et. al.* discloses all of the limitations of Claim 5, upon which Claim 8 ultimately depends. Muller *et. al.* also discloses the use of processors in both the handset and the base station. It is inherent that these processors execute instructions, or software, for accomplishing the requesting of time recovery information and the transmission, reception, and processing of this information.

Muller *et. al.* does not expressly disclose all of the limitations of Claim 6, upon which Claim 8 depends.

Anderson discloses the limitations of Claim 6 that are not expressly disclosed by Muller *et. al.*, as outlined above.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by explicitly disclosing software to be executed on the processors of both handset and base

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station for the purpose of accomplishing the requesting of time recovery information and the transmission, reception, and processing of this information.

One of ordinary skill in the art would have been motivated to make this modification because of the necessity of controlling and coordinating these functions after a base station power failure.

Regarding Claim 12, Muller *et. al.* discloses all of the limitations of Claims 9 and 11, upon which Claim 12 depends.

Muller *et. al.* does not expressly disclose the use of a voltage sensor in the base station.

Anderson discloses the use of a voltage sensor to detect power failure in the main batteries of an electronic device and operates in conjunction with the CPU (Column 6 Lines 1-12, 44-46, 55-67).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by incorporating a voltage sensor into the base station for the purpose of monitoring the base station power supply, and implementing an procedure whereby the detection of a power supply interruption by the voltage sensor causes the base station processor to request time recovery information from the handset after power has been restored to the base station.

One of ordinary skill in the art would have been motivated to make this modification because an interruption in power supply is one of the most obvious reasons to request resynchronization of handset and base station clocks.

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Regarding Claim 13, Muller *et. al.* discloses all of the limitations of Claims 9 and 11, upon which Claim 13 depends. Muller *et. al.* also discloses the use of processors in both the handset and the base station. It is inherent that these processors execute instructions, or software, for accomplishing the requesting of time recovery information and the transmission, reception, and processing of this information.

Muller *et. al.* does not expressly disclose all of the limitations of Claim 12, upon which Claim 13 depends.

Anderson discloses the limitations of Claim 12 that are not expressly disclosed by Muller *et. al.*, as outlined above.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Muller *et. al.* by explicitly disclosing software to be executed on the processors of both handset and base station for the purpose of accomplishing the requesting of time recovery information and the transmission, reception, and processing of this information.

One of ordinary skill in the art would have been motivated to make this modification because of the necessity of controlling and coordinating these functions after a base station power failure.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 703-605-4305. The examiner can normally be reached on FLEX.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew Genack

Examiner

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2 February 2005



SCOTT L. WEAVER  
PRIMARY EXAMINER  
Art Unit 2645